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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,247	03/19/2001	Bradley S. Hoyl	M-9698 US	7809

7590

04/01/2002

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EXAMINER

WOOD, KIMBERLY T

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 04/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/812,247

Applicant(s)
Hoyl et al.

Examiner
Kimberly T. Wood

Art Unit
3632



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 19, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 34-37 is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

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This is the first office action for serial number 09/812,247, entitled Fiber Optic Cabling Management Using Hook and Loop Fabric, filed on March 19, 2001.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 and 23-33, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "tie wrap" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 23 recites the limitation "cable fastener means" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 28 recites the limitation "the substrate" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 30 recites the limitation "the substrate means" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 31 recites the limitation "cable fastener means" in line 1. There is insufficient antecedent basis for this limitation in the claim.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 5, 10, 11, 14, 15, 20-23, 26, and 29-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Cole 5,604,961. Cole discloses a substrate with hook and loop mechanisms (50), a cable fastener with hook and loop connectors (50f). The cable fastener having a body (see figures 4 and 5), a head portion (64) defining an opening (near 72).

Claims 1, 4-11, 14- 23, 26-28, and 31-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Ericksen et al. (Ericksen) 5,242,063. Ericksen discloses a substrate with hook and loop mechanisms attachable to a rigid frame (10) that is planar, a cable fastener (30) having a head (39 with an opening (40) and hook and loop connectors or mechanisms. The fastener connectable through hook and loop fasteners to the hook and loop fasteners of the substrate.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 12, 12, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cole in view of Kobe 5,691,021. Cole discloses all of the limitations of the claimed invention except for the pine-tree shaped or mushroom-shaped stems being the hook and loop mechanisms. Kobe teaches that it is known to have pine-tree shaped or mushroom-shaped stems being the hook and loop mechanisms (See entire document). It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Cole to have made the hook and loop means of pine-tree shaped or mushroom-shaped stems as taught by Kobe since both are mechanical equivalents used for attaching.

Claims 2, 3, 12, 13, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ericksen et al. (Ericksen) 5,242,063 in view of Cole. Ericksen discloses all of the limitations of the claimed invention except for the pine-tree shaped or mushroom-shaped stems being the hook and loop mechanisms. Kobe teaches that it is known to have pine-tree shaped or mushroom-shaped stems being the hook and loop mechanisms (See entire document). It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Ericksen to have made the hook and loop means of pine-tree shaped or mushroom-shaped stems as taught by Kobe since both are mechanical equivalents used for attaching.

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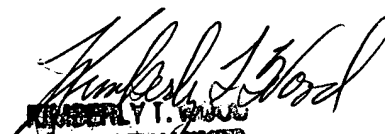
Allowable Subject Matter

Claims 34-37 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Wood whose telephone number is (703) 308-0539. The examiner can normally be reached on Monday-Thursday from 7:30 AM to 5:00 PM. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168. The fax numbers for filing formal papers to the Group receptionist are (703) 305-3597.

Kimberly Wood
March 24, 2001


KIMBERLY T. WOOD
PATENT EXAMINER
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